

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL CASE NO. 3:96cr135**

**UNITED STATES OF AMERICA, )**

**)**

**)**

**vs. )**

**)**

**)**

**JASPER MACKEY. )**

**)**

**ORDER**

**THIS MATTER** is before the Court on the Defendant's Notice of Appeal [Doc.89], filed May 13,2008.

The notice was filed by counsel who was privately retained to file a motion for a sentence reduction on behalf of the Defendant. In the notice, counsel points out that he has not been retained for appellate matters, but therein requests that the Defendant be allowed to proceed without the prepayment of fees.

Federal Rule of Appellate Procedure 24 provides in pertinent part:

[A] party who desires to appeal *in forma pauperis* must file a motion in the district court. The party must attach an affidavit that:

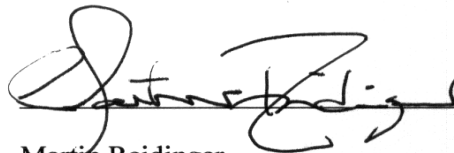
(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and  
(C) states the issues that the party intends to present on  
appeal.

Fed.R.App.P. 24(a)(1).

No such affidavit accompanied the request contained in the Notice of  
Appeal.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for  
leave to proceed *in forma pauperis*, contained within the Notice of Appeal  
[Doc. 89], is hereby **DENIED**.

  
Martin Reidinger  
United States District Judge



Signed: May 20, 2008